

REMARKS

Initially, Applicant expresses appreciations for the indication of allowable subject matter. Specifically, claims 6-8, 24-26, and 35-39 were objected to as being dependent upon a rejected base claim but containing allowable subject matter. Further, the Examiner has withdrawn the previously stated rejections.

The remaining pending claims were rejected under 35 USC 102(b) as being anticipated by Johnson or Zhang. Applicant respectfully traverses.

Claims 1-2, 9-23, 27-29, 31, and 40-41 were rejected under 35 USC 102(b) over Johnson.

The Examiner states that "applicant's claims are so broad as to read upon a funnel." Applicant respectfully traverses this statement as both being inappropriate and factually incorrect. Hypothetical art comparisons are inappropriate and statements on the record should be limited to the art and rejections of record.

With respect to Johnson, the reference fails to anticipate each and every claim element; thus, the rejection is unsupportable and must be withdrawn. For example, claim 1 includes:

A lead fixation tool comprising:

a proximal portion having a tapered passage therethrough, with the tapered passage narrowing in a direction towards the distal portion; and

a distal portion having a channel in substantially axial alignment with the passage and having a lead pin engagement mechanism.

Johnson fails to teach or suggest a "lead pin engagement mechanism." The Examiner makes reference to a "hypothetical pin and lead (which are not claimed)." This is true - a pin and lead are not claimed as the claim is directed to a lead fixation tool; not a combination of a tool and a lead.

Nonetheless, the claim includes a "lead pin engagement mechanism" that is not taught nor suggested by Johnson. Simply put, a "lead pin engagement

mechanism" is a structure configured to engage a pin of a lead. Further, the mechanism is included within the distal portion and at least for claim 1, is a separately claimed element from the distal channel.

Thus, despite the Examiner's assertions to the contrary Johnson does not anticipate the claims as it does not teach a lead pin engagement mechanism; the specific means of claims 13 and 14; an engagement collar within the connector channel of claim 17; or a distinct connector pin channel and lead receiving channel of claim 27.

Claims 1-5, 9-11, 13-19, 21-23, 27-34, and 40-41 were rejected under 35 USC 102(b) and being anticipated by Zhang. Applicant respectfully traverses.

Zhang is a catheter introducer. The Examiner makes reference to Figs. 16, 17, and 18 and states that the device is a "collection of parts ultimately assembled as a catheter."

The Examiner must consider the reference as a whole for what it actually teaches. The Examiner has, in fact, taken discrete components out of context. In one alternative presentation, the Examiner asserts that the "distal portion 156" (i.e., one element of the combined whole of FIG. 17) meets the claimed requirement. Even if a proper reading, such an analysis would fail for the same reasons as Johnson articulated above.

In the alternative, the Examiner sub-selects element 118 as the proximal portion and element 24 as the distal portion. Such an analysis, even if proper, would also fail for the same reasons articulated with respect to Johnson. Further, the Examiner asserts that these two components engage one another and permit rotation along "bearing surface 128." This is simply factually incorrect. Again, the reference must be considered as a whole. When these two components are engaged, the barb 128 is forced into the sheath 14 spreading the same and wedging it against the housing portion 24. The Examiner is directed to Col. 11 lines 45 -50 and lines 64-67. This particular arrangement provides a secure locking fit that eliminates the need for welding, adhesives or the like. Thus, the

Examiner's contention that relative rotation between elements is explicitly precluded by the clear teachings of the reference.

The Examiner has taken some liberty with the description of Fig. 18 as including a "handle/rotational indicator." The term handle is notable absent from the Zhang document and there is no teaching of the elements of Fig. 18 either permitting rotation nor indicating the same. Fig. 18 simply illustrates a side port 26 (Fig. 1) which permits fluids to be introduced to the catheter. Rotation is neither permitted nor facilitated with respect to any other components. Thus, explicit support for the Examiner's assertions is respectfully requested.

Despite the Examiner's unsupported and conclusory allegations of undue breath, the claims are not anticipated by the art of record and the rejections must be withdrawn.

Applicant respectfully asserts that the pending claims are in condition for allowance and requests notice of the same. Should any issues remain outstanding the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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